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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,433	10/06/2004	Ralf Bonitz	3102	8861

7590 08/21/2006

Striker Striker & Stenby  
103 East Neck Road  
Huntington, NY 11743

EXAMINER
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THOMAS, BRANDI N

ART UNIT	PAPER NUMBER
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2873

DATE MAILED: 08/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/510,433	<b>Applicant(s)</b> BONITZ ET AL.	
	<b>Examiner</b> Brandi N. Thomas	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 July 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 8,9 and 11-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16 is/are allowed.
- 6) ☒ Claim(s) 8,9,11-15 and 17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Detailed Action</u> .                  |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/25/06 has been entered.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 8, 9, 11-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iwase et al. (6469844).

Regarding claim 8, Iwase discloses a lens having a curved surface (4) and having a holding edge (4b) integrally formed on a lens edge, wherein a supporting edge (near 4c) projects is formed integrally with said holding edge (4); wherein said supporting edge (near 4c) and said holding edge (4b) form a continuous cylindrical outer circumferential surface (20) extending over an outer side of said supporting edge (near 4c) and an outer side of said holding edge (4b) and around an outer circumference of the lens (4) (col. 3, lines 58-62) while Iwase does not disclose the lens being bright pressed on both of said sides, this limitation is considered to be a

Art Unit: 2873

product by process see MPEP 2113) and consequently does not provide any structural limitation beyond the lens discloses by Iwase. Iwase discloses the claimed invention of claims 8 and 14 and except for surface opposite the curved surface is a plane surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the optical element of Iwase with opposite plane surface for the purpose of achieving a desired focusing effect.

FIG. 1

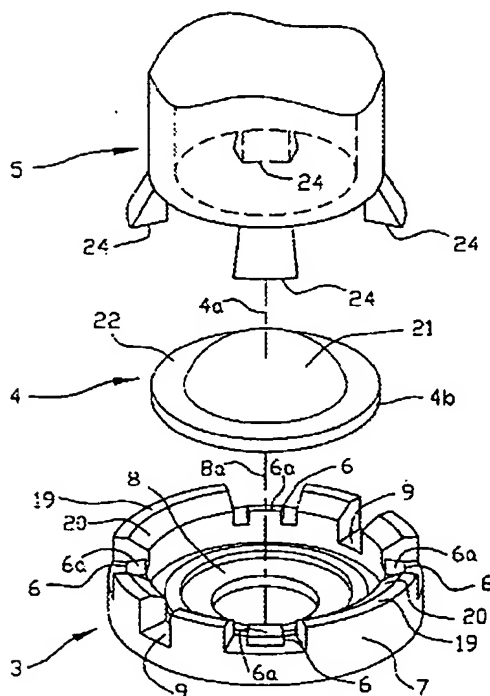
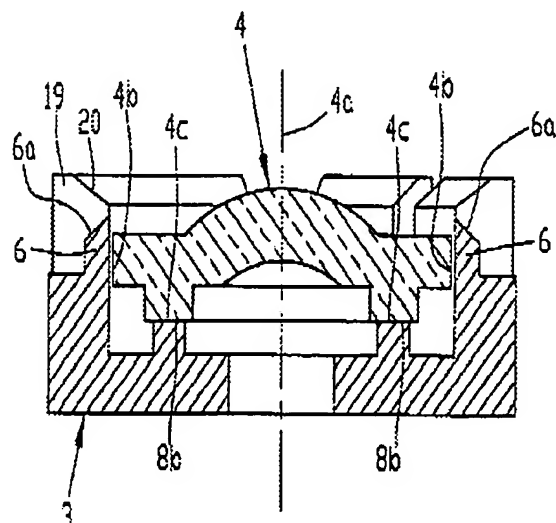


FIG. 3A



Regarding claim 9, since Iwase does not disclose the lens holder being miniature in size, the examiner take the position that Iwase implicitly discloses the supporting edge has a thickness of at least 0.2 mm.

Regarding claim 11, Iwase was discloses since Iwase does not disclose the lens holder being miniature in size, the examiner take the position that Iwase implicitly discloses the supporting edge has a thickness of at least 0.2 mm.

Regarding claims 12, 13, and 15, Iwase was discloses (see fig. 3A, 3B) wherein said supporting edge has a width, said holding edge has a width in a direction extending parallel to said plane surface and said width of said supporting edge is less than or equal to said width of said holding edge.

Regarding claim 14, Iwase was discloses a projection headlight for a motor vehicle, said projection headlight comprising: a lens and a holder (3) for holding said lens (4); wherein said lens has a curved surface (4) and having a holding edge (4b) integrally formed on a lens edge, wherein a supporting edge (near 4c) projects is formed integrally with said holding edge (4), wherein said supporting edge (near 4c) and said holding edge (4b) form a continuous cylindrical outer circumferential surface (20) extending over an outer side of said supporting edge (near 4c) and an outer side of said holding edge (4b) and around an outer circumference of the lens (4) (col. 3, lines 58-62); wherein said holder (3) embraces said holding edge (4b) on a side of the lens having said curved surface (4); and wherein said holder (3) substantially consists of a sheet metal ring having a circumferential wall (19) (col. 3, lines 53-58), said circumferential wall (19) extends circumferentially around said holding edge (4b) supporting edge (near 4c) and said circumferential wall (19) bears on the continuous cylindrical outer circumferential surface (20) and said circumferential wall (19) is provided with inwardly curved flaps (6a) engaged under the supporting edge (4c) for securely holding the lens (4) in the holder (3) (figure 1), while Iwase does not disclose the lens being bright pressed on both of said sides, this limitation is considered

Art Unit: 2873

to be a product by process see MPEP 2113) and consequently does not provide any structural limitation beyond the lens discloses by Iwase. Iwase discloses the claimed invention of claims 8 and 14 and except for surface opposite the curved surface is a plane surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the optical element of Iwase with opposite plane surface for the purpose of achieving a desired focusing effect.

Regarding claim 17, Iwase discloses a projection headlight for a motor vehicle, said projection headlight comprising: wherein said lens has a curved surface (4) and a plane surface on opposite sides thereof, and said lens (4) has a holding edge (4b) integrally formed on a lens edge and a supporting edge (near 4c) projecting from said plane surface, said supporting edge (near 4c) being formed integrally with said holding edge (4), said supporting edge (near 4c) is formed integrally with the lens (4) and extends around an outer circumference of the lens (4), said supporting edge (near 4c) and said holding edge (4b) form a continuous cylindrical outer circumferential surface (20) extending over an outer side of said supporting edge (near 4c) and an outer side of said holding edge (4b) and around an outer circumference of the lens (4) (col. 3, lines 58-62), and said wherein said supporting edge has a width, said holding edge has a width in a direction extending parallel to said plane surface and said width of said supporting edge is less than or equal to said width of said holding edge, while Iwase does not disclose the lens being bright pressed on both of said sides, this limitation is considered to be a product by process see MPEP 2113) and consequently does not provide any structural limitation beyond the lens discloses by Iwase. Iwase discloses the claimed invention of claims 8 and 14 and except for surface opposite the curved surface is a plane surface. It would have been obvious to one of

Art Unit: 2873

ordinary skill in the art at the time the invention was made to provide the optical element of Iwase with opposite plane surface for the purpose of achieving a desired focusing effect.

*Allowable Subject Matter*

4. Claim 16 is allowed.

5. The following is an examiner's statement of reasons for allowability: The prior art taken either singularly or in combination fails to anticipate or fairly suggest the limitations of the independent claim(s), in such a manner that a rejection under 35 U.S.C. 102 or 103 would be proper. The prior art fails to teach a combination of all the claimed features as presented in claim(s) 16, wherein the claimed invention comprises all of the claimed limitations including bright pressing the lens' curved surface and the plane surface on both of the sides, as claimed. The combination of all the claimed features are not anticipated or made obvious by the prior art and all of said features are relied upon for a determination of allowability.

*Response to Arguments*

6. Applicant's arguments filed 2/20/06 have been fully considered but they are not persuasive. Regarding the applicant's reference to the use of a the lens made of resin material, it would have been obvious to one of ordinary skill in the art to modify the invention to include a lens made of inorganic material, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use (In re Leshin, 125 USPQ 416). Regarding the applicant's reference to the supporting edge of Iwase, in figure 3a, the supporting edge (near 4c) of Iwase is located on the outer circumference of the

Art Unit: 2873

lens. Regarding the applicant's reference to a cylindrical wall, in figure 1 and 3a, Iwase discloses a cylindrical wall (19) to support the lens (4).

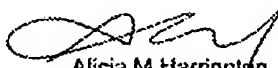
### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandi N. Thomas whose telephone number is 571-272-2341. The examiner can normally be reached on 7- 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
BNT

  
Alicia M. Harrington  
Primary Examiner  
Art Unit 2873